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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/547,673	04/12/2000	Atsushi Tomita	44084-449	5765
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MCDERMOTT WILL & EMERY 600 13TH STREET, N.W. WASHINGTON, DC 20005-3096				
			EXAMINER PRIETO, BEATRIZ	
			ART UNIT 2142	PAPER NUMBER 6
DATE MAILED: 11/12/2003				

Please find below and/or attached an Office communication concerning this application or proceeding.

# Office Action Summary

Application No.

09/547,673

Applicant(s)

TOMITA, ATSUSHI

Examiner

B. Prieto

Art Unit

2142

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

## Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

## Status

- 1) ☒ Responsive to communication(s) filed on 22 August 2003.
- 2a) ☐ This action is FINAL. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

## Disposition of Claims

- 4) ☒ Claim(s) 1-16 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-16 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

## Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on \_\_\_\_\_ is: a) ☐ approved b) ☐ disapproved by the Examiner.  
If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

## Priority under 35 U.S.C. §§ 119 and 120

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).  
a) ☐ All b) ☐ Some \* c) ☐ None of:  
1. ☐ Certified copies of the priority documents have been received.  
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.  
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).  
\* See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).  
a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

## Attachment(s)

- 1) ☐ Notice of References Cited (PTO-892) 4) ☐ Interview Summary (PTO-413) Paper No(s). \_\_\_\_\_
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948) 5) ☐ Notice of Informal Patent Application (PTO-152)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) \_\_\_\_\_ 6) ☐ Other: \_\_\_\_\_

***DETAILED ACTION***

1. This communication is in response to amendment filed 8/22/03, claims 1-16 are hereby set forth for examination.
2. The drawings are objected to as failing to comply with 37 CFR 1.84(p)(4) because (i) reference number 4 on Figure 1, has been used to designate both copy machine and CPU of the copy machine; and (ii) CPU 91 of the centralized management unit 90 is not shown (see specification page 7, lines 9-15). Applicant is urged to review instant application for further discrepancies, if any, between the specification and the drawings. Corrected drawings are required in reply to the Office action to avoid abandonment of the application. The objection to the drawings will not be held in abeyance.
3. Regarding 112 rejection, applicant has clarified discrepancies between claimed terminology and written description, in this case, in regards to claims 1, 4, 8-9, and 11-15, the claim termed "control unit" corresponds to CPU 41 of the copy machine ("the apparatus"), the claimed term "analyzing unit" corresponds to CPU 11 of DT 1, the claimed term "management unit" corresponds to CPU 91 of the computer of the center, the claimed term "counting means" corresponds to clock IC 17 of Fig. 2, the claimed term "threshold value storing means" corresponds to non-volatile memory 16, the claimed term "the first communicating means" corresponds to serial interface (I/F) 12 and 42, the claimed term "the second communication means" corresponds to network card (NIC) (18), and the claimed term "the expiration data and time managing means" corresponds to CPU 11 of DT 1, as indicated by applicant. Rejection is withdrawn.

***Claim Rejections - 35 USC § 103***

4. Quotation of 35 U.S.C. §103(a) which forms the basis for all obviousness rejections set forth in this Office action may be found in previous office action.
5. Claims 15-14, 11-13, 7-9 and 4-5 are rejected under 35 U.S.C. 103(a) as being unpatentable over Tarr, et. el. (Tarr) U.S. Patent No. 5,184,179 in view of Jarvis U.S. Patent No. 5,918,040.

Regarding claim 15, Tarr teaches substantial features of the invention as claimed, teaching a management system (Figs. 3-4) that manages apparatuses (52 of Fig. 3) connected to a plurality of apparatus management units, i.e. processor (16 of Fig. 1 or 60 of Fig. 3), by transmitting and receiving a information including apparatus management data between a centralized management unit (103 of Fig. 4)

information including apparatus management data between a centralized management unit (103 of Fig. 4) and the apparatus management units via a communication network, (Tarr: receiving/transmitting by control computer (16) see col 3/lines 54-58 and col 9/lines 58-col 10/line 4, transmitting over a local area network to central station see col 5/lines 8-13, data transfer in discrete bytes, i.e. packets see col 3/lines 59-60) wherein said centralized management system comprises:

communication network for sending out to the communication network a packet being addresses to a specified apparatus management unit and taking in a packet from the communication network addressed to itself (Tarr: sending out packets addressed to processor see col 3/lines 54-56 and 7/lines 20-26, sending to respective processor see col 9/lines 31-21, and taking in see col 7/lines 28-31, centralized station having a modem, i.e. for taking in see col 5/lines 40-43 and sending out see col 6/lines 27-38), wherein said apparatus management units each comprises:

first communication means (20) for transmitting and receiving the apparatus management data to and from the apparatus (Tarr: receive/transmit to/from copier see col 7/lines 13-20);

second communication means (42) for sending out a packet addressed to said centralized management unit through the communication network, and taking in a packet from the communication network addressed to itself (Tarr: sending out by transceiver 42 of processor (16) to central station see col 7/lines 28-38, taking in data addressed to itself, i.e. answering see col 5/lines 40-43);

clock means (30) for providing current time (Tarr: col 6/lines 43-46); and

permitting transmission of the apparatus management data to the apparatus connected to said apparatus management unit on condition based on the current time obtained from an internal clock ("clock means for providing current time") (col 6/lines 39-68); although the prior art teaches permitting transmission of the apparatus management data to the apparatus connected to said apparatus management unit on a predetermined condition based on the current time obtained from a clock;

Tarr does not explicitly teach where sending out packet includes expiration information (e.g. date and time) from expiration setting means; threshold value storing means for a value for deciding data is valid; and

expiration managing means for permitting transmission of a data packet to the apparatus on the condition that the current time is not past the expiration information from time information (e.g. "transmission date and time") included in the packet;

Jarvis teaches a system/method related to transmission of data packet between managed processor, including sending out a packet including time information from expiration time setting means (Jarvis: sending out over the network time-stamped data packets having expiring times placed on them with a

clock for providing time-stamped information, i.e. time setting means see col 1/lines 9-21, time setting means (31 & 33 of Fig. 1) see col 2/lines 40-43);

threshold value storing means for storing threshold value for deciding a period of time for which data is valid (Jarvis: col 1/line 16-21), analyzing means (30 & 32) for analyzing the packet taken in by second communication means (Jarvis: check time-stamped information at entry and exit for stale data see col 2/lines 55-58);

permitting the transmission of data in a packet if the current time is not past the expiration time from the time information included in the packet (Jarvis: not transmitting data that has expired, i.e. the current time is past see col 2/lines 51-55);

It would have been obvious to one ordinary skilled in the art at the time the invention was made given Tarr's suggestion for transmitting data between processor over a network in a management system, including the transmission of data pertaining the operation of managed copies (i.e. management data to a central station in a timely and accurate fashion, as taught by Tarr. One ordinary skilled would have considered Jarvis teachings for transmitting data between processor in a timely synchronized fashion for ensuring the old data transferred over the networks are discarded, as taught by Jarvis. One ordinary skilled would be motivated to combine the teachings of Tarr and Jarvis for further enhancing Tarr's management system programmable to incorporate other functions, as suggested by Tarr, with a packet including expiration date and time information for permitting transmission of the copier management data in a packet to the control computer on the condition that the current time is not past the expiration date and time from transmission date and time information included in the packet for ensuring that old data packets containing stale data are eliminated from being transferred over the network and received from the network, as suggested by Jarvis.

Regarding claims 14, this claim is substantially the same as claim 15, same rationale of rejection is applicable.

Regarding claims 4, 8-9 and 11-13, these claims are substantially the same as claims and/or as discussed on claims 14-15, same rationale of rejection is applicable.

Regarding claim 5, copy machine (Tarr: 52 of Fig. 3).

Regarding claim 7, data packet (Tarr: col 3/lines 59-60, Jarvis: col 1/lines 16-21).

7. Claims 1-3, 6, 10 and 16 are rejected under 35 U.S.C. 103(a) as being unpatentable over Tarr in view of Jarvis in further view of Frantz U.S. Patent No. 6,003,070.

Regarding claim 1, the combined teachings of Tarr and Jarvis, further teach a

receiving unit for receiving a data transmitted from a management unit via a communication network (Tarr: col 3/lines 54-58, col 9/lines 58-col 10/line 4, transmitting over a local area network to central station see col 5/lines 8-13);

an analyzing unit for analyzing the received data to obtain data on an expiration date and time analyzing means (30 & 32 of Fig. 1) for analyzing the packet taken in by second communication means (Jarvis: check time-stamped information at entry and exit for stale data see col 2/lines 55-58);

a control unit for controlling an apparatus based on the received data when validity of the data has not expired (Jarvis: check data validity see col 2/lines 55-58 and controlling by not transmitting data that has expired, i.e. the current time is past see col 2/lines 51-55); however the neither Tarr nor Jarvis teach where the data packet transmitted is "mail";

Frantz teaches a management system that manages equipment apparatuses (20 of Fig. 1), (col 2/lines 19-31) connected to an apparatus management unit (10 of Fig. 1), (col 2/line 15-21) by transmitting and receiving a packet via e-mail including apparatus management data (col 4/lines 56-58, col 5/lines 6-13) between an addressed centralized management unit and the apparatus management units (col 2/lines 32-45) via a communication network (12 of Fig. 1), (sending/receiving col 4/lines 32-col 5/line 2), permitting transmission of apparatus management data on predetermined condition (col 5/lines 3-13, 32-39).

It would have been obvious to one ordinary skilled in the art at the time the invention was made to incorporate Frantz teaching for transmission between the apparatuses and the management units is made via e-mail across the Internet communication network, motivation would be enable the transmission between the management units is made via e-mail across the Internet communication network and copiers or any type of equipment that requires monitoring and/or maintenance as implement in management system, and suggested by Frantz.

Regarding claim 2, copy machine (Tarr: 52 of Fig. 3).

Regarding claim 3, data packet (Tarr: col 3/lines 59-60, and Jarvis: col 1/lines 16-21).

Regarding claims 6 and 10, Internet (see Frantz 12 of Fig. 1).

Regarding claim 16, this claim contains limitation substantially the same as those discussed on claims 15 and 1, therefore same rationale of rejection is applicable.

***Response to arguments***

8. Applicant argues there is no disclosure or suggestion in the Jarvis reference of “stamping a data packet with the time that the interface of the linecard transmits the data packet onto the communication network, then time stamping this transmitted data packet when the data packet is received by the addressed unit, and then using this time information for discarding stale data packets received vi the communication network”. According to applicant one ordinary skilled in the art would not look to the teachings of Jarvis to modify the arrangement of Tarr so that only valid data is used, because this is taught by applicant’s invention not by the Jarvis reference.

In response to applicant's argument that the Jarvis reference does not recognize the received packets are stale, particularly the Jarvis reference is not concern with the delay of a data packet during transmission on the communication network, the test for obviousness is not whether the features of a secondary reference may be bodily incorporated into the structure of the primary reference; nor is it that the claimed invention must be expressly suggested in any one or all of the references. Rather, the test is what the combined teachings of the references would have suggested to those of ordinary skill in the art. See *In re Keller*, 642 F.2d 413, 208 USPQ 871 (CCPA 1981). Applicant sustains the combination of the Tarr and Jarvis reference is based upon improper hindsight reasoning, however, it must be recognized that any judgment on obviousness is in a sense necessarily a reconstruction based upon hindsight reasoning. But so long as it takes into account only knowledge which was within the level of ordinary skill at the time the claimed invention was made, and does not include knowledge gleaned only from the applicant's disclosure, such a reconstruction is proper. See *In re McLaughlin*, 443 F.2d 1392, 170 USPQ 209 (CCPA 1971).

9. Applicant argues in regards to claims 2-5, 7-9 and 11-15, that the Jarvis reference does not recognize that data received from the network by the respective interface may also be too old (stale). The Jarvis reference does not teach time stamping a data packet with the time that the interface of the linecard transmits the data packet onto the communication network and time stamping the packet upon receipt and then using this time information for discarding stale data packets.

In response to applicant's argument that the references fail to show certain features of applicant's invention, it is noted that the features upon which applicant relies (i.e., "recognizing that data received from the network by the respective interface may also be too old (stale), and time stamping a data packet with the time that the interface of the linecard transmits the data packet onto the communication network and time stamping the packet upon receipt and then using this time information for discarding stale data packets") are not recited in the rejected claim(s). Although the claims are interpreted in light of the specification, limitations from the specification are not read into the claims. See *In re Van Geuns*, 988 F.2d 1181, 26 USPQ2d 1057 (Fed. Cir. 1993).

10. Applicant's argument filed 8/22/03 have been fully reviewed but not found persuasive.

11. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Prieto, B. whose telephone number is (703) 305-0750. The Examiner can normally be reached on Monday-Friday from 6:00 to 3:30 p.m. If attempts to reach the examiner by telephone are unsuccessful, the Examiner's Supervisor, David Wiley can be reached on (703) 308-5221. The fax phone number for the organization where this application or proceeding is assigned is (703) 872-9306. Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703) 305-3800/4700.

Any response to this action should be mailed to:  
Commissioner of Patents and Trademarks  
Washington, D.C. 20231

or faxed to the Central Fax Office:

(703) 872-9306, for Official communications and entry;

Or Telephone:

(703) 306-5631 for TC 2100 Customer Service Office.

Hand-delivered responses should be brought to Crystal Park II, 2121 Crystal Drive, Arlington VA, Fourth Floor (Receptionist), further ensuring that a receipt is provided stamped "TC 2100".



B. Prieto  
Patent Examiner